

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #99-93

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 1, 1999, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 1-2-48. Comments were made by the following parties:

David Whitmer, DECA, Incorporated	(DECA)
Nancy Norden	(NN)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: DECA has no objection to adding twenty-four (24) more compounds to the list of nonphotochemically reactive compounds. However, DECA does object to the style of the rulemaking, specifically to incorporating by reference CFR and FR citations instead of listing each compound with its CAS number and refrigerant number, if applicable. Due to the style change, a person would have to look at three (3) different documents to find out what was or was not regulated, instead of just one (1) document (the state rule). Not everyone has access to the Internet to look up the federal documents and maybe only two (2) libraries in the state handle such documents on a regular basis. The board should not preliminary adopt the rule, but should send it back to IDEM to spell out the twenty-four (24) compounds and include their CAS numbers and refrigerant numbers. (DECA)

Response: Specifically listing every delisted compound and its CAS number in the state rule has been weighed against having a list that is consistent with the federal list of nonphotochemically reactive compounds as expeditiously as possible. IDEM believes that eliminating the state specific list of compounds determined to have negligible photochemical reactivity and referencing the list specified in the CFR is the most efficient way of assuring that state rules remain consistent with federal rules. Referencing the CFR is also an efficient use of state rulemaking resources since it cuts down the number of potential rulemakings and ensures that revisions get updated on a timely and regular basis. Current copies of the CFR and FR are available from federal depository libraries, U.S. EPA, IDEM's main office and regional offices, local environmental agencies, and are electronically available on the Internet on both state and federal Websites. IDEM believes that the majority of those affected by this rulemaking have access to the CFR and FR.

Comment: Ms. Norden agreed with DECA's comments. She reiterated that it is time-consuming and confusing to search the federal Web site to locate information in the Federal Register. She asked IDEM to put the CAS numbers on IDEM's Web site or provide a direct link to the appropriate federal document, if the department was not going to list the compounds and CAS numbers in the rule. (NN)

Response: IDEM agrees that it can be time-consuming to find information on the Internet. IDEM will investigate ways to make the requested information available on the IDEM Web site and report its efforts to the board at final adoption.